

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGE DANIELLO, JAMES O'MARA,
DENNIS FARRELL, and STEPHEN
MCINERNEY, as Trustees and Fiduciaries of the
TEAMSTERS LOCAL 814 PENSION FUND,

Plaintiffs,

- against -

PLANNED SYSTEM INTEGRATION LTD.,

Defendant.

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MAUSKOPF, United States District Judge.

ORDER
07-CV-1729 (RRM)(VVP)

By Motion filed July 1, 2008, plaintiffs moved for entry of a default judgment against defendant Planned System Integration Ltd. By Order entered March 6, 2009, this Court granted plaintiffs default judgment against defendant, and referred the issue of damages to the assigned Magistrate Judge, the Honorable Victor V. Pohorelsky, for a Report and Recommendation. On June 25, 2009, Judge Pohorelsky issued a Report and Recommendation (the "R&R") that plaintiffs be awarded (1) \$1,238,135.00 for defendant's withdrawal liability; (2) accrued interest at a rate of 18% per annum from August 8, 2006 through the date of judgment; and (3) \$247,627.00 in liquidated damages. Judge Pohorelsky also awarded plaintiffs \$4,272.60 in attorney's fees and costs of \$350.00. Judge Pohorelsky reminded the parties that, pursuant to Rule 72(b), any objection to the R&R was due within ten days of receipt of the R&R. Plaintiff filed proof of service by mail of the R&R on defendant on June 25, 2009. Under Federal Rule of Civil Procedure 6, objections were due on or before July 13, 2009. Neither party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby

ORDERED the R&R is adopted in its entirety, and the Clerk of the Court is directed to enter judgment as follows: (1) \$1,238,135.00 for defendant's withdrawal liability; (2) accrued interest on the \$1,238,135.00 at a rate of 18% per annum from August 8, 2006 through the date of judgment; (3) \$247,627.00 in liquidated damages; (4) \$4,272.60 in attorney's fees; and (5) costs of \$350.00.

SO ORDERED.

Dated: Brooklyn, New York
July 16, 2009

s/RRM

ROSLYNN R. MAUSKOPF
United States District Judge